

IN The United States District Court
Middle District of Alabama

RECEIVED

Billy Gay Alls 161437

ZB6 FEB 17 A 9:22

v

Gwendolyn Mosley

3:05-cv-1228-mef

Petitioner Appeal of MAGISTRATE
ORDER ISSUED on 2-10-06

INTO this court comes Billy Alls (Alls) by and through himself And does appeal the order (Doc 14-1) Denying Alls motion for APPcintment of counsel. (Doc 10) Alls did PRESENT AMPlE MERITOKEOUS FACTUAL CLAIM's to UPHOLD this his REQUEST FOR COUNSEL the DENIAL OF APPPOINTMENT OF COUNSEL IS IN EFFECT Denying The Petitioner's Right of PROCEDURAL due PROCESS AND Adequate ACCESS to COURT in THIS his PERSUIT FOR JUSTICE See MC'BRide v SHARPE 25-F3d 962 FH.3, Rules plus FH.5- RULE 9(A)

All would now submit the fact listed in (Doc 10) AS well AS The Following tRUE FACT.

A- Alls is a 52 year old Black man with a tenth (10th) GRADE Education.

- B- Alls was convicted pursuant to a Plea of guilty entered by his trial attorney Thomas Jones in accordance with an alleged Plea Agreement. To CC-90-007 an Indictment for Capital murder with an Indictment "CC-90-008" count 1 murder count 2 theft being dismissed. Plea date Alls was then sentenced on Feb. 4, 91 to two life sentence to run consecutively for the crime of murder and for a crime not indicted for robbery 1st degree")
- C- Absolutely no Evidence was presented to the court by the prosecution during the improper Plea Hearing see Pardue v State 502d AL. 2000) said Plea hearing held in the Judges Chambers")
- D- Alls did not attack his conviction due to the mistaken belief in attorney Jone Assurance that he would be released from prison after about (8)eight years")
- E- Alls being without any type of formal legal knowledge and only a 10th grade (limited) education and being now incarcerated at this institution without having access to any type

Premissable Legal Assistance by some one who is Educated in matter of law

It is AGAINST THE INSTITUTIONAL POLICY FOR ONE INMATE TO ASSIST AN OTHER INMATE IN LEGAL LITIGATION." ANY INMATE doing so IS SUBJECTED TO DISCIPLINARY ACTION LOCK UP AN SEGREGATION AND POSSIBLE LOSS OF GOOD TIME."

Therefore AIIIS is in A POSITION WHERE HE TRULY WOULD BE DENIED DENIED MEANINGFUL ADEQUATE ACCESS TO COURT TO LITIGATE THIS INSTANT HABEAS ACTION THE RECORDS IS REQUIRED WOULD UPHOLD EACH AND EVERY FACTUAL CLAIM RAISED BY AIIIS. THE DENIAL OF ASSISTANCE OF COUNSEL PLUS THE INADEQUATE ORDER TO SHOW CAUSE DOES CLEARLY ALLOW THE RESPONDENT TO CONTINUALLY THE GROSS MISCHIEF OF JUSTICE BY THE ~~CIR~~ CIRCUIT COURT OF RANDOLPH COUNTY AIA. AS THE RECORD IF REVIEW WOULD SHOW

TRULY COUNSEL MUST BE APPOINTED AND CASE RECORD REVIEW TO BRING TO AN END THIS GROSS MISCHIEF OF JUSTICE SEE 28 USC §§ 2241, 2243, 2244(b) 2242, 2249 2254 RULES 5+7 AS WELL AS 18 USC § 3006A (A) 2(B) PLUS MCBRIDE V SHARP 25 F3d 967 (11th Cir 1994) Hn 10 AND FN 13-

Concluding

Alls now submit This instant Petition (Appeal) and also the original motion (Doc #0) before this Hon. Court for a review of the record and claim stated here in.

Alls is unable to submit document in this now case due to his inability to obtain same both court records and institutional rules & regulation. Therefore Alls pray that this Hon. Court will obtain and review the afores mentioned.

Respectfully submitted

Billy Gray Alls
Billy Gray Alls

Certificate Of Service

This is to certify that the above going has been served UPON Respondant Attorney Yvonne A.H. SAXON PROPERLY Addressed And Postage PREPAID by PLACING SAME IN THE LEGAL MAIL SYSTEM AT E.C.F.

ON THIS THE 15 day of FEBRUARY 2006

Billy Gay Alls
Billy Gay Alls

Yvonne A.H. SAXON
Attorney General Office
11 South Union Street
Montgomery ALA,

36130-0152